

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1317

Short Title: Study/Education of Students with Disabilities. (Public)

Sponsors: Representatives Glazier, Parmon, Preston, Wiley (Primary Sponsors);
Alexander, B. Allen, Carney, Culp, Faison, Fisher, Jones, Rapp,
Wainwright, Weiss, and Womble.

Referred to: Education.

April 20, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE EDUCATION OF
STUDENTS WITH DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Commission established. – There is established the Study
Commission on the Education of Students with Disabilities ("Commission".)

SECTION 1.(b) Membership. – The Commission shall consist of 21
members, as follows:

(1) The General Assembly shall appoint nine members upon the
recommendation of the President Pro Tempore of the Senate, as
follows:

- a. Five members of the Senate;
- b. One member recommended by the North Carolina School
Boards Association;
- c. One member recommended by the North Carolina Association
of Educators;
- d. One member recommended by the North Carolina Council of
Administrators of Special Education; and
- e. One member who is a parent of an exceptional child attending a
North Carolina public school.

(2) The General Assembly, upon the recommendation of the Speaker of
the House of Representatives shall appoint nine members, as follows:

- a. Five members of the House of Representatives;
- b. One member recommended by the North Carolina Association
of School Administrators;
- c. One member recommended by the North Carolina Council for
Exceptional Children;

- 1 d. One member from a School of Education of The University of
2 North Carolina whose area of expertise is exceptional children;
3 and
4 e. One member recommended by The Covenant with North
5 Carolina's Children.

6 (3) The Governor shall appoint three members, as follows:

- 7 a. A representative of the Department of Public Instruction;
8 b. The Superintendent of Residential Schools, Department of
9 Health and Human Services; and
10 c. A representative of the Department of Health and Human
11 Services' birth to 3-year-old programs for exceptional children.

12 **SECTION 1.(c) Duties.** – The Commission shall study and recommend
13 revisions to the General Statutes governing the education of students with disabilities
14 for the following purposes:

- 15 (1) To update definitions and requirements to ensure that the public
16 schools and education programs for students with disabilities are
17 meeting these students' special needs.
18 (2) To provide a consistent statutory maximum age for students with
19 disabilities entitled to a free appropriate public education.
20 (3) To reflect higher education expectations for children with disabilities
21 and the requirements of the State's school accountability program.
22 (4) To ensure that schools and school systems are held accountable for the
23 educational progress of students with disabilities.
24 (5) To determine whether the Department of Public Instruction has
25 adopted guidelines that have had an unfunded fiscal impact on local
26 school systems, and if so, how to address this in the future.
27 (6) To ensure that the General Statutes are consistent with federal law
28 governing the education of all children, including exceptional children.

29 **SECTION 1.(d) Reports.** – The Commission shall submit an interim report
30 of its findings and recommendations to the General Assembly not later than the
31 convening of the 2006 Regular Session of the 2005 General Assembly. The reports shall
32 also include legislative proposals necessary to implement the Commission's
33 recommendations and an analysis of the fiscal impact of each recommendation. The
34 Commission shall submit its final report to the 2007 General Assembly upon its
35 convening. The Commission shall terminate upon the earlier of the filing of its final
36 report or upon the convening of the 2007 General Assembly.

37 **SECTION 1.(e) Expenses of members.** – Members of the Commission shall
38 be paid per diem, subsistence, and travel expenses, as follows:

- 39 (1) Commission members who are members of the General Assembly
40 shall be paid in accordance with G.S. 120-3.1.
41 (2) Commission members who are officials or employees of the State or
42 local government agencies shall be paid in accordance with
43 G.S. 138-6.

1 (3) All other Commission members shall be paid in accordance with
2 G.S. 138-5.

3 **SECTION 1.(f)** Cochairs; meetings. – The Speaker of the House of
4 Representatives shall appoint a cochair and the President Pro Tempore of the Senate
5 shall appoint a cochair for the Commission from their respective appointees. The
6 Commission shall meet upon the call of the chairs. A majority of the Commission
7 members shall constitute a quorum. The Commission may meet during a regular or
8 special session of the General Assembly, subject to the approval of the President Pro
9 Tempore of the Senate and the Speaker of the House of Representatives. The
10 Legislative Services Commission may provide meeting space to the Commission in the
11 State Legislative Building or in the Legislative Office Building.

12 **SECTION 1.(g)** Staff. – With the prior approval of the Legislative Services
13 Commission, the Legislative Services Officer shall assign professional staff to assist in
14 the work of the Commission.

15 **SECTION 1.(h)** Cooperation by government agencies. – The Commission
16 may call upon any department, agency, institution, or officer of the State or any political
17 subdivision of the State for facilities, data, or other assistance. All State departments and
18 agencies, local governments, and their subdivisions shall cooperate with the
19 Commission and, upon request, shall furnish the Commission and its staff any
20 information in their possession or available to them.

21 **SECTION 2.** From funds appropriated to the General Assembly, the
22 Legislative Services Commission shall allocate funds for the expenses of the
23 Commission established by this act.

24 **SECTION 3.** This act becomes effective July 1, 2005.